



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 04934-98
1 May 2000

CDR [REDACTED] NR

Dear Commande [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion and E-mail furnished by the Navy Personnel Command (NPC) dated 1 February 1999 and 26 April 2000, respectively, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found any error in block 6 (unit identification code) or block 28 (command employment and command achievements) of the contested original regular/concurrent report is adequately corrected by filing the supplemental regular/concurrent report, which the NPC E-mail indicates they are willing to do. The copy of the supplemental report you provided is being forwarded to NPC for this purpose. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4934-98
1610
NPC-311
1 February 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: LCDR [REDACTED] USNR [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his fitness report for the period 15 May 1996 to 30 September 1996, replacing it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report was signed by the member, acknowledging the contents of the report and his right to submit a statement. The member chose not to submit a statement. The supplemental cover letter is on file, but the supplemental report is not. The member provides a copy with his petition.

b. The reporting senior submitted the supplemental report because the member was assigned TAD vice permanent to the command. In accordance with reference (a), Annex A, TAR personnel are to be in a separate summary group.

c. The supplemental report changes block-6, comments in block-28, and upgrades three performance trait marks from 3.0 to 4.0. The member's promotion recommendation is the same on both reports. Block 43 reveals the member was in a summary group by himself.

d. Neither the petitioner nor the reporting senior has justified replacement of the original fitness report with the supplemental report.

3. In view of the above, recommend retention of the original report and file the supplemental report in the member's headquarters' record.

[REDACTED]

Head, Performance
Evaluation Branch

[REDACTED]
[REDACTED]
From: [REDACTED] Navy.Mil]
Sent: Wednesday, April 26, 2000 4:01 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

[REDACTED]
In response to our telephone conversation, when a readable copy of LCDR
[REDACTED] USNR [REDACTED] report for the period 96MAY15 to
96SEP30 SUPPLEMENTAL nirep is received we will place it in his record. vr,
[REDACTED]

[REDACTED]
Head, Performance Evaluation Branch
PERS-311
Comm [REDACTED]
DON: 002-0000
F [REDACTED]
Email: p311@persnet.navy.mil